

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.; the "CWA", and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

**Cohasset Sewer Commission  
41 Highland Avenue  
Cohasset, MA 02025**

is authorized to discharge from the facility located at

**Cohasset Wastewater Treatment Plant  
43 Elm Street  
Cohasset, MA 02025**

to the receiving water named **Cohasset Cove/Harbor (South Coastal Basin – MA94-32/MA94-1)**,

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on September 1, 2007.

This permit and the authorization to discharge expire at midnight, five (5) years from the last day of the month preceding the effective date.

This permit supersedes the permit issued on October 17, 2000

This permit consists of 15 Pages in Part I including effluent limitations, monitoring requirements, etc., Attachments A-Toxicity Test Procedure and Protocol, Sludge Compliance Guidance, and Part II, including General Conditions and Definitions.

Signed this 18<sup>th</sup> day of July, 2007

/S/ SIGNATURE ON FILE

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Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Boston, MA

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Director  
Division of Watershed Management  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

**PART I**

A.1. During the period beginning with the effective date of this permit and until completion of the treatment plant upgrade to a design flow of 0.45 MGD, the permittee is authorized to discharge treated sanitary wastewater from outfall serial number **001** to Cohasset Cove. Such discharges shall be limited and monitored as specified below.

<u>EFFLUENT CHARACTERISTIC</u>		<u>EFFLUENT LIMITS</u>			<u>MONITORING REQUIREMENTS</u>		
<u>PARAMETER</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE<sup>3</sup> TYPE</u>
FLOW <sup>2</sup>	***** *	*****	0.30 MGD	*****	Report MGD	CONTINUOUS	RECORDER
FLOW <sup>2</sup>	***** *	*****	Report MGD	*****	Report MGD	CONTINUOUS	RECORDER
BOD <sub>5</sub> <sup>4</sup>	75 lbs/Day 34 kgs/Day	113 lbs/Day 51 kgs/Day	30 mg/l	45 mg/l	Report mg/l <sup>1</sup>	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>
TSS <sup>4</sup>	75 lbs/Day 34 kgs/Day	113 lbs/Day 51 kgs/Day	30 mg/l	45 mg/l	Report mg/l <sup>1</sup>	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>
pH RANGE <sup>1</sup>	6.5 - 8.5 SU SEE PERMIT PAGE 8 OF 15, PARAGRAPH I.A.3.b.					1/DAY	GRAB
FECAL COLIFORM <sup>1,6</sup>	***** * ***** *	***** * ***** *	14 MPN or CFU/100 ml	***** *****	28 MPN or CFU/100 ml	3/WEEK	GRAB
ENTEROCOCCI BACTERIA <sup>1,6</sup> June 1 <sup>st</sup> Through September 30 <sup>th</sup>	***** * ***** *	***** * ***** *	REPORT MPN or CFU/100 ml	***** *****	REPORT MPN or CFU/100 ml	1/WEEK	GRAB
WHOLE EFFLUENT TOXICITY SEE FOOTNOTES 7, 8, and 9	Acute LC <sub>50</sub> ≥ 100%					4/YEAR	24-HOUR COMPOSITE <sup>5</sup>

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<u>PARAMETER</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE<sup>3</sup> TYPE</u>
TOTAL AMMONIA-NITROGEN May 1 <sup>st</sup> Through October 31 <sup>st</sup>	Report lbs/Day	***** * ***** *	Report mg/l	***** *****	Report mg/l	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>
TOTAL KJELDAHL NITROGEN May 1 <sup>st</sup> Through October 31 <sup>st</sup>	Report lbs/Day	***** * ***** *	Report mg/l	***** *****	Report mg/l	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>
TOTAL NITRATE and NITRITE May 1 <sup>st</sup> Through October 31 <sup>st</sup>	Report lbs/Day	***** * ***** *	Report mg/l	***** *****	Report mg/l	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>
TOTAL NITROGEN May 1 <sup>st</sup> Through October 31 <sup>st</sup>	Report lbs/Day	***** ***** **	Report mg/l	***** *****	Report mg/l	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>

**SEE PERMIT SECTION G.1 FOR AMBIENT RECEIVING WATER MONITORING REQUIREMENTS**

.A.2. Upon completion of the treatment plant upgrade to a design flow of 0.45 mgd and until permit expiration, the permittee is authorized to discharge treated sanitary wastewater from outfall serial number **001** to Cohasset Cove. Such discharges shall be limited and monitored as specified below. The permittee shall notify EPA and MassDEP 60 days in advance of the plant upgrade completion date.

<u>EFFLUENT CHARACTERISTIC</u>		<u>EFFLUENT LIMITS</u>			<u>MONITORING REQUIREMENTS</u>		
<u>PARAMETER</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE<sup>3</sup> TYPE</u>
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FECAL COLIFORM <sup>1,6</sup>	***** * ***** *	***** * ***** *	14 MPN or CFU/100 ml	***** *****	28 MPN or CFU/100 ml	3/WEEK	GRAB
ENTEROCOCCI BACTERIA <sup>1, 6</sup> June 1 <sup>st</sup> Through September 30 <sup>th</sup>	***** * ***** *	***** * ***** *	REPORT MPN or CFU/100 ml	***** *****	REPORT MPN or CFU/100 ml	1/WEEK	GRAB
WHOLE EFFLUENT TOXICITY SEE FOOTNOTES 7, 8,and 9	Acute LC <sub>50</sub> ≥ 100%					4/YEAR	24-HOUR COMPOSITE <sup>5</sup>

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<u>PARAMETER</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>AVERAGE MONTHLY</u>	<u>AVERAGE WEEKLY</u>	<u>MAXIMUM DAILY</u>	<u>MEASUREMENT FREQUENCY</u>	<u>SAMPLE<sup>3</sup> TYPE</u>
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TOTAL KJELDAHL NITROGEN May 1 <sup>st</sup> Through October 31 <sup>st</sup>	Report lbs/Day	***** * ***** *	Report mg/l	***** *****	Report mg/l	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>
TOTAL NITRATE and NITRITE May 1 <sup>st</sup> Through October 31 <sup>st</sup>	Report lbs/Day	***** * ***** *	Report mg/l	***** *****	Report mg/l	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>
TOTAL NITROGEN May 1 <sup>st</sup> Through October 31 <sup>st</sup>	Report lbs/Day	***** ***** **	10 mg/l	***** *****	Report mg/l	1/WEEK	24-HOUR COMPOSITE <sup>5</sup>

**SEE PERMIT SECTION G.1 FOR AMBIENT RECEIVING WATER MONITORING REQUIREMENTS**

Footnotes:

1. Required for State Certification.
2. Report annual average, monthly average, and the maximum daily flow. The limit is an annual average, which shall be reported as a rolling average. The value will be calculated as the arithmetic mean of the monthly average flow for the reporting month and the monthly average flows of the previous eleven months.
3. Effluent samples shall be collected at the following points:

PARAMETER	SAMPLING LOCATION
FLOW	Flow meters located in Zenon train discharge pipes or effluent flow meter
BOD Influent	Channel in wet well before grinder-raw influent
BOD Effluent	End of UV channel
TSS Influent	Channel in wet well before grinder-raw influent
TSS Effluent	End of UV channel
pH RANGE	End of UV channel
TOTAL NITROGEN, TOTAL AMMONIA-NITROGEN, TOTAL KJELDAHL NITROGEN, and TOTAL NITRATE and NITRITE	End of UV channel
FECAL COLIFORM	End of UV channel
ENTEROCOCCI BACTERIA	End of UV channel
WHOLE EFFLUENT TOXICITY Effluent	End of UV channel
WHOLE EFFLUENT TOXICITY Dilution Water	Receiving Water-Cohasset Harbor

Changes in sampling location must be reviewed and approved in writing by EPA and MassDEP. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. All samples shall be 24-hour composites unless specified as a grab sample in 40 CFR §136.

A routine sampling program shall be developed in which samples are taken at the same location, same time and same days of the week each month. Occasional deviations from the routine sampling program are allowed, but the reason for the deviation shall be documented in correspondence appended to the applicable discharge monitoring report.

4. Sampling required for influent and effluent.
5. 24-hour composite samples will consist of at least twenty four (24) grab samples taken during one consecutive 24 hour period, either collected at equal intervals and combined proportional to flow or continuously collected proportionally to flow.
6. Enterococci samples shall be taken concurrently with one of the required fecal coliform samples. The monthly average limit for fecal coliform is expressed as a geometric mean. The units may be expressed as MPN for samples tested using the Most Probable Number method, or CFU when using the Membrane Filter method.

7. The permittee shall conduct acute toxicity tests four times per year. The permittee shall test as follows:

Test Dates	Submit Results By:	Test Species	Acute Limit LC <sub>50</sub>
Second Week in			
January	February 28 <sup>th</sup>	<b>Mysid Shrimp</b>	≥ 100%
April	May 31 <sup>st</sup>	<b>Inland Silverside</b>	
July	August 31 <sup>st</sup>		
October	November 30 <sup>th</sup>	See Attachment A	

The permittee may request a reduction in WET test frequency if four consecutive sets of WET test results over a period of one year, all taken after the completion of the plant upgrade to 0.45 mgd, demonstrate compliance with the WET permit limits. The permittee is required to continue testing at the frequency specified in the permit until notice is received by certified mail from the EPA that the WET testing requirement has been changed.

8. The LC<sub>50</sub> is the concentration of effluent which causes mortality to 50% of the test organisms. Therefore, a 100% limit means that a sample of 100% effluent (no dilution) shall cause no more than a 50% mortality rate.
9. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the permittee shall either follow procedures outlined in **Attachment A (Toxicity Test Procedure and Protocol) Section IV., DILUTION WATER** in order to obtain an individual approval for use of an alternate dilution water, or the permittee shall follow the Self-Implementing Alternative Dilution Water Guidance which may be used to obtain automatic approval of an alternate dilution water, including the appropriate species for use with that water. This guidance is found in Attachment G of NPDES Program Instructions for the Discharge Monitoring Report Forms (DMRs) which is sent to all permittees with their annual set of DMRs and may also be found on the EPA, Region I web site at [WWW.EPA.GOV/region01/enforcementandassistance/dmr.html](http://WWW.EPA.GOV/region01/enforcementandassistance/dmr.html). If this guidance is revoked, the permittee shall revert to obtaining individual approval as outlined in **Attachment A**.

Any modification or revocation to this guidance will be transmitted to the permittees as part of the annual DMR instruction package. However, at any time, the permittee may choose to contact EPA-New England directly using the approach outlined in **Attachment A**.

**Part I.A.3.**

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time.
- c. The discharge shall not cause objectionable discoloration of the receiving waters.
- d. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
- e. The permittee's treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand. The percent removal shall be based on monthly average values.
- f. If the average annual flow in any calendar year exceeds 80 percent of the facility's design flow, the permittee shall submit a report to MassDEP by March 31 of the following calendar year describing its plans for further flow increases and describing how it will maintain compliance with the flow limit and all other effluent limitations and conditions.

**Part I.A.4.**

All POTWs must provide adequate notice to the Director of the following:

- a. Any new introduction of pollutants into that POTW from an indirect discharger in a primary industry category discharging process water; and
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For purposes of this paragraph, adequate notice shall include information on:
  - (1) the quantity and quality of effluent introduced into the POTW; and
  - (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

## **B. LIMITATIONS FOR INDUSTRIAL USERS**

1. Pollutants introduced into POTW's by a non-domestic source (user) shall not pass through the POTW or interfere with the operation or performance of the works.

## **C. TOXICS CONTROL**

1.
  - a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
  - b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.
  - c. EPA or MassDEP may use the results of the toxicity tests and chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the Clean Water Act (CWA), state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including but not limited to those pollutants listed in Appendix D of 40 CFR Part 122.
  - d. Chlorine is not monitored or limited in this permit, therefore, the use of chlorine for effluent disinfection is prohibited.

## **D. UNAUTHORIZED DISCHARGES**

1. The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfalls listed in Parts I .A.1 and I.A.2. Discharge of wastewater from any other point source is not authorized by this permit and shall be reported in accordance with Section D.1.e(1) of the General Requirements of this permit (Twenty-four hour reporting). [Note : SSO Reporting Form (which includes MassDEP Regional Office telephone numbers) for submittal of written report to MassDEP is available on-line at:  
<http://www.mass.gov/dep/water/approvals/surffms.htm#sso>.]

Bypasses of any portion of the treatment process are prohibited in accordance with 40 CFR §122.41(m)(4). If, however, a bypass does occur, in addition to the 24 hour reporting requirements found at 40 CFR §122.41(l)(6), see Section D.1.e.(1) of the General Requirements of this permit, the following effluent monitoring is required.

The pH, Fecal Coliform, and Enterococci Bacteria shall be sampled once during the first hour of the bypass event and every four hours thereafter for the duration of the bypass event. The results shall be used in the DMR calculations and shall be included in an attachment to the DMR.

The BOD, TSS, Total Nitrogen, Total Ammonia-Nitrogen, Total Kjeldahl Nitrogen, and Total Nitrate and Nitrite shall be sampled once during the first hour of the bypass event and every four hours thereafter for the duration of the bypass event. The results shall be report only and shall be included in an attachment to the DMR.

## **E. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM**

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the following terms and conditions:

### 1. Maintenance Staff

The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit.

### 2. Preventative Maintenance Program

The permittee shall maintain an ongoing preventative maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an inspection program designed to identify all potential and actual unauthorized discharges.

### 3. Infiltration/Inflow Control Plan:

The permittee shall develop and implement a plan to control infiltration and inflow (I/I) to the separate sewer system. The plan shall be submitted to EPA and MassDEP **within six months of the effective date of this permit** (see page 1 of this permit for the effective date) and shall describe the permittee's program for preventing infiltration/inflow related effluent limit violations, and all unauthorized discharges of wastewater, including overflows and by-passes due to excessive infiltration/inflow.

The plan shall include:

- An ongoing program to identify and remove sources of infiltration and inflow. The program shall include the necessary funding level and the source(s) of funding.
- An inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts. Priority should be given to removal of public and private inflow sources that are upstream from, and potentially contribute to, known areas of sewer system backups and/or overflows

- Identification and prioritization of areas that will provide increased aquifer recharge as the result of reduction/elimination of infiltration and inflow to the system.
- An educational public outreach program for all aspects of I/I control, particularly private inflow.

#### Reporting Requirements:

A summary report of all actions taken to minimize I/I during the previous calendar year shall be submitted to EPA and MassDEP annually, **by March 31**. The summary report shall, at a minimum, include:

- A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year.
- Expenditures for any infiltration/inflow related maintenance activities and corrective actions taken during the previous year.
- A map with areas identified for I/I-related investigation/action in the coming year.
- A calculation of the annual average I/I and the maximum month I/I for the reporting year.
- A report of any infiltration/inflow related corrective actions taken as a result of unauthorized discharges reported pursuant to 314 CMR 3.19(20) and reported pursuant to the Unauthorized Discharges section of this permit.

#### 4. Alternate Power Source

In order to maintain compliance with the terms and conditions of this permit, the permittee shall continue to provide an alternative power source with which to sufficiently operate its treatment works (as defined at 40 CFR §122.2).

#### F. SLUDGE CONDITIONS

1. The permittee shall comply with all existing federal and state laws and regulations that apply to sewage sludge use and disposal practices and with the CWA Section 405(d) technical standards.
2. The permittee shall comply with the more stringent of either the state or federal (40 CFR part 503), requirements.
3. The requirements and technical standards of 40 CFR part 503 apply to facilities which perform one or more of the following use or disposal practices.
  - a. Land application - the use of sewage sludge to condition or fertilize the soil

- b. Surface disposal - the placement of sewage sludge in a sludge-only landfill
  - c. Sewage sludge incineration in a sludge-only incinerator
4. The 40 CFR part 503 conditions do not apply to facilities which place sludge within a municipal solid waste landfill. These conditions also do not apply to facilities which do not dispose of sewage sludge during the life of the permit but rather treat the sludge (e. g. lagoons- reed beds), or are otherwise excluded under 40 CFR 503.6.
  5. The permittee shall use and comply with the attached compliance guidance document to determine appropriate conditions. Appropriate conditions contain the following elements.
    - General requirements
    - Pollutant limitations
    - Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
    - Management practices
    - Record keeping
    - Monitoring
    - Reporting

Depending upon the quality of material produced by a facility, all conditions may not apply to the facility.

6. The permittee shall monitor the pollutant concentrations, pathogen reduction and vector attraction reduction at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year:

less than 290	1/ year
290 to less than 1500	1 /quarter
1500 to less than 15000	6 /year
15000 +	1 /month

7. The permittee shall sample the sewage sludge using the procedures detailed in 40 CFR 503.8.
8. The permittee shall submit an annual report containing the information specified in the guidance by **February 19**. Reports shall be submitted to the address contained in the reporting section of the permit. Sludge monitoring is not required by the permittee when the permittee is not responsible for the ultimate sludge disposal. The permittee must be assured that any third party contractor is in compliance with appropriate regulatory requirements. In such case, the permittee is required only to submit an annual report by **February 19** containing the following information:
  - Name and address of contractor responsible for sludge disposal

- Quantity of sludge in dry metric tons removed from the facility by the sludge contractor

**G. AMBIENT RECEIVING WATER MONITORING**

1. The permittee shall conduct ambient monitoring for nitrogen, chlorophyll a, temperature, dissolved oxygen (DO), and salinity, **during the first full season (July 1<sup>st</sup> through September 30<sup>th</sup>) following the effective date of the permit.** The permittee shall conduct such ambient monitoring again in the **last two (2) full seasons prior to permit expiration.** The permittee shall monitor the following parameters at the locations and sampling frequencies specified below.

Sampling Point #s <sup>1</sup>	Description of Sampling Point Locations
1	Just inside the breakwater
2	Halfway on a transect between Sampling points 1 and 3
3	Just outside of the Outfall-Zone of Initial Dilution (ZID) in the direction of Sampling Points 2 and 1
4	At the mouth of the James Brook before it empties into the harbor
5	At the mouth of the Gulf before it empties into the harbor

Sample type	Grab Sample <sup>2</sup>	Hydrocast-Probe <sup>3</sup>
Sample Parameters	total nitrogen total ammonia as N total nitrite-nitrate total Kjeldahl nitrogen salinity chlorophyll <u>a</u>	temperature dissolved oxygen salinity

Footnotes

1. The permittee shall provide both EPA and MassDEP latitude and longitude coordinates for each sampling point. These are to be obtained during the first sampling event. The coordinates shall be included with the first field data submission.
2. Grab samples are to be taken at the surface (~0.5 m). For James Brook, grab samples are to be taken at the surface (~0.5 m) or at mid-depth. Sampling shall be conducted under low tide conditions, beginning with sampling point 1 (before the tide turns), followed by sample points 2-5 in sequence.
3. Data from the Hydrocast-Probe shall be averaged and reported based on 0.5 foot increments.

2. Samples shall be taken once per week from July 1<sup>st</sup> through September 30<sup>th</sup>  
Sample results for each monitoring season shall be reported with the November  
Discharge Monitoring Report of that year.

## **H. MONITORING AND REPORTING**

### **1. Reporting**

Monitoring results obtained during each calendar month shall be summarized and reported on Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the following month.

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency  
Water Technical Unit (SEW)  
P.O. Box 8127  
Boston, Massachusetts 02114

The State Agency is:

Massachusetts Department of Environmental Protection  
Southeast Regional Office  
Bureau of Resource Protection  
20 Riverside Drive  
Lakeville, MA 02347

Signed and dated Discharge Monitoring Report Forms and toxicity test reports required by this permit shall also be submitted to the State at:

Massachusetts Department of Environmental Protection  
Division of Watershed Management  
Surface Water Discharge Permit Program  
627 Main Street, 2nd Floor  
Worcester, Massachusetts 01608

## **I. STATE PERMIT CONDITIONS**

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) under Federal and State law, respectively. As such, all the terms and conditions of this Permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MassDEP pursuant to M.G.L. Chap. 21, §43.

Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of this Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this Permit is declared, invalid, illegal or otherwise issued in violation of State law such permit shall remain in full force and effect under Federal law as an NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this Permit is declared invalid, illegal or otherwise issued in violation of Federal law, this Permit shall remain in full force and effect under State law as a Permit issued by the Commonwealth of Massachusetts.